

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

**MAC East, LLC,  
an Alabama Limited Liability  
Corporation,**

**PLAINTIFF**

**vs.**

**CASE NO. 2:05-cv-1038-MEF**

**SHONEY'S INC.,  
a Tennessee corporation,**

**DEFENDANT**

**PLAINTIFF'S DESIGNATION OF DEPOSITION TESTIMONY**

Comes now Plaintiff and designates the following deposition testimony which may be used at trial of the above matter:

1.     Donna Powers:

Page 5:21 through 5:23	page 32:21 through 33:06
page 7:05 through 16:06	page 35:07 through 35:20
page 16:09 through 16:21	page 35:21 through 35:23
page 17:05 through 18:17	page 37:01 through 37:06
page 18:18 through 23:21	page 45:07 through 45:15
page 24:14 through 25:11	page 48:10 through 48:23
page 25:12 through 25:17	page 49:04 through 50:03
page 25:23 through 26:10	page 50:17 through 51:10
page 26:11 through 26:21	page 52:15 through 53:10
page 27:04 through 27:18	page 54:11 through 55:01
page 27:22 through 28:16	page 55:02 through 55:07
page 28:17 through 29:11	page 55:10 through 55:23
page 29:12 through 30:02	page 56:01 through 56:23
page 30:03 through 30:12	page 57:01 through 57:07
page 30:13 through 31:09	page 59:10 through 59:15
page 31:12 through 31:16	page 60:06 through 60:10

page 61:12 through 61:19  
page 63:07 through 64:07  
page 64:13 through 64:22  
page 64:23 through 65:07  
page 65:23 through 66:06  
page 66:07 through 67:13  
page 69:06 through 69:10  
page 69:11 through 69:21  
page 74:16 through 75:04

page 75:16 through 75:21  
page 81:23 through 82:18  
page 84:02 through 85:12  
page 85:17 through 85:19  
page 86:09 through 86:21  
page 88:03 through 89:04  
page 89:16 through 90:01  
page 92:03 through 92:13  
page 94:20 through 95:19

2. Robert Stetson:

Page 6:07 through 6:08  
page 6:17 through 7:07  
page 10:22 through 17:04  
page 17:12 through 18:05  
page 18:15 through 20:18  
page 22:18 through 26:01  
page 26:01 through 27:13  
page 28:20 through 29:14  
page 29:15 through 29:21  
page 30:07 through 30:17  
page 32:14 through 33:09  
page 35:13 through 35:16  
page 41:05 through 42:08  
page 48:09 through 50:03  
page 50:04 through 51:14  
page 53:21 through 54:09  
page 54:10 through 55:20  
page 69:02 through 69:18  
page 70:05 through 72:01

Respectfully submitted this 20<sup>th</sup> day of December, 2006.

s/ Dennis R. Bailey  
Dennis R. Bailey (744845)  
Attorney for Plaintiff MAC East, LLC.

Of counsel:

RUSHTON, STAKELY, JOHNSTON & GARRETT, P.A.  
184 Commerce Street  
Post Office Box 270  
Montgomery, Alabama 36101-0270  
(334) 206-3234 (phone)  
(334) 481-0031 (fax)  
drb@rsjg.com (e-mail)

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing document upon the following counsel of record by placing a copy of same in the United States Mail, first class postage prepaid, on this the 20<sup>th</sup> day of December, 2006.

Mr. James N. Nolan  
Mr. Paul O. Woodall, Jr.  
Walston, Wells & Birchall, LLP  
1819 Fifth Avenue North  
Suite 1100  
Birmingham, Alabama 35203

/s/ Dennis R. Bailey  
Of counsel